

ORDINANCE NO. 10-30

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE II. ADMINISTRATION, DIVISION 3. COMPREHENSIVE PLAN, OF THE CODE OF ORDINANCES AND IN PARTICULAR, REVISING HIALEAH CODE § 98-101 ENTITLED "ADOPTED" TO ADOPT THE MOST CURRENT VERSION OF THE HIALEAH COMPREHENSIVE PLAN; AND REVISING SECTION I-3 ENTITLED "PURPOSE" OF THE LAND DEVELOPMENT CODE TO PROVIDE FOR THE MOST CURRENT VERSION OF THE HIALEAH COMPREHENSIVE PLAN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of April 28, 2010 recommended approval of this ordinance; and

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

WHEREAS, the specific intent and purpose of this ordinance is to adopt the most current version of the Hialeah Comprehensive Plan in both the Hialeah Code and the Hialeah Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 98 entitled "Zoning", Article II. Administration, Division 3. Comprehensive Plan, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Hialeah Code § 98-101 entitled "Adopted", to read as

follows:

Chapter 98

ZONING

* * *

ARTICLE II. ADMINISTRATION

* * *

DIVISION 3. COMPREHENSIVE PLAN

Sec. 98-101. Adopted.

The city hereby adopts the comprehensive plan ~~1993-2000~~ 2003-2015, as amended from time to time, incorporated in this chapter by reference, that consists of the required elements identified in F.S. § 163.3177, with a future land use map.

Section 2: The Land Development Code of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by revising Section I-3 Purpose, to read as follows:

LAND DEVELOPMENT CODE

INTRODUCTION

* * *

Sec. I-3. Purpose.

The land development code is to provide land development regulations in order to implement the goals, objectives and policies enunciated in the City of Hialeah Comprehensive Plan, as mended from time to time. The

primary objective of this code is to ensure that decisions permitting development and the use of property within the city comply with the planned growth provided in the Hialeah Comprehensive Plan 2003-2015, as amended from time to time, and reflected on the Future Land Use Map ~~1993-2000, as amended~~.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Inclusion in Code and Land Development Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances and the Land Development Code of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 6: Severability Clause.

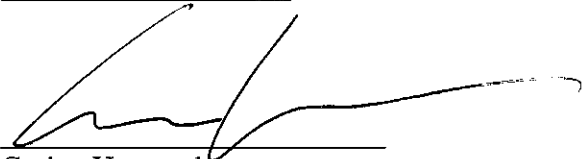
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 7: Effective Date.

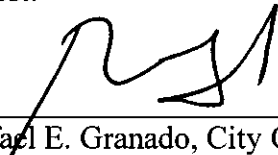
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 25th day of May, 2010.



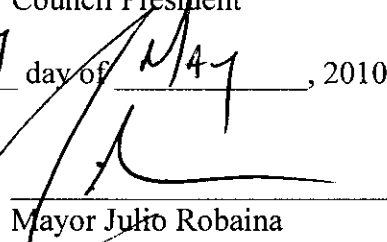
Carlos Hernandez
Council President

Attest:



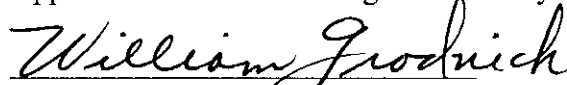
Rafael E. Granado, City Clerk

Approved on this 27 day of May, 2010.



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes.